Memo Raises Possibility of Criminal Charges

CIA Tried to Cover Up Mail Surveillance

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Central Intelligence Agency officials over the years have been aware that the agency's practice of opening mail violated criminal laws but took steps to cover up the practice so that it could continue, the President's CIA commission report released yesterday shows.

In a memo randum cited by the Rockefeller commission report, the CIA's then-deputy chief of counterintelligence wrote in 1962 that disclosure of the mail-opening program would "give rise to grave charges of criminal misuse of the mail by government agencies."

However, the memo said, "Unless the charge of criminal conduct) is supported by the presentation of interior items from the project, it should be relatively easy to 'hush up' the entire affair . . ."

Despite the possibility of criminal prosecution, a decision had been made that the "effort was worth the risk," the report quotes the memo as saying.

As in other references throughout the Rockefeller report, the individual who wrote the memo was not identified by name.

CIA Director William E. Colby admitted last January that the CIA had opened mail between citizens of the Unitel States and two Communist countries for 20 years, ending in 1973.

Detailing the scope of the project and the level of authority under which it operated, the Rockefeller report said that by 1961, the CIA was opening 13,000 letters a lear to and from the Soviet Union. Opening mail without a court order is a criminal offense.

The operation was later expanded to include mail to and from the Far East, the report says. Earlier disclosures have named China as the country involved.

In the last year of the program's operation in New York, the report says, the CIA examined the outside of 2.3 million pieces of mail to and from the Soviet Union, photographed the outside of 33,000 of these pieces, and opened and analyzed the contents of 8,700 pieces of mail.

Information from the mail was stored in a computer with nearly 2 million entries, the report said.

The targets of the mail surveillances were constantly changing and totaled 600 at the end of 1972, the report says.

In addition, the CIA's security office over a 24-year period operated 91 mail "covers" and conducted 12 mail openings, the report says.

(A mail cover involves recording information on the outside of envelopes. Mail covers are legal if carried out in a selective, limited manner. The Rockefeller report did not say whether the 91 covers met these criteria.)

Although most of these surveillances were aimed at CIA employees, some were directed at foreign nationals or persons unconnected with the CIA, the report says.

The existence of the CIA's main mail operation was made known to three Postmasters General and one Attorney General—John N. Mitchell—although the degree of their knowledge is in dispute, the report indicates.

For example, former CIA Director Richard Helms, then chief of operations in the Plans Directorate, wrote in a 1961 memo that he and then CIA Director Allen Dulles had briefed then Postmaster General J. Edward Day on the "background, development, and current status [of the mail project], withholding no relevant details."

On the basis of this information, Day said the project should continue, the Helms memo said.

But Day, in testimony before the House Post Office Committee, has said Dulles told him during the briefing that he had something "very secret" to talk about, and Day never learned what it was because he responded he did not want to know about it.

The CIA found itself in a dilemma when William J. Cotter, a former CIA employee with knowledge of the mail project, was appointed postal inspector in 1969.

Although Cotter first said he would ignore the project, he later had it discontinued, the report says.